



Signature Report

October 27, 2006

Ordinance

Proposed No. 2006-0448.1

Sponsors Constantine

1 AN ORDINANCE relating to zoning and standards for
2 low-impact development and Built Green demonstration
3 projects, and amending Ordinance 14662, Section 1, and
4 K.C.C. 21A.55.060.

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7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8 SECTION 1. Ordinance 14662, Section 1, and K.C.C. 21A.55.060 are each
9 hereby amended to read as follows:

10 A. The purpose of the low-impact development and Built Green demonstration
11 projects is to determine whether innovative permit processing, site development and
12 building construction techniques based on low-impact development and building
13 construction practices result in environmental benefits, affordable housing and lead to
14 administrative and development cost savings for project applicants and King County.
15 The demonstration projects will provide information on application of these techniques to
16 an urban infill mixed-use redevelopment project, an urban single family residential
17 project and a Vashon Town housing project. The demonstration projects will also

18 provide information to assist in the development of King County Comprehensive Plan
19 policies to guide application and refinement of regulations such as zoning, subdivision,
20 roads and stormwater regulations. Expected benefits from the demonstration projects
21 include: improved conditions of habitat, ground and surface waters within a watershed;
22 reduced impervious surface areas for new site infrastructure in developed and
23 redeveloped projects; greater use of recycled-content building materials and more
24 efficient use of energy and natural resources; and the opportunity to identify and evaluate
25 potential substantive changes to land use development regulations that support and
26 improve natural functions of watersheds. The demonstration projects will also evaluate
27 whether consolidated administrative approval of modifications or waivers and any
28 subsequent hearings, if required, effectively speeds the development review process
29 while maintaining land use coordination and environmental protection, and whether that
30 leads to administrative costs savings for project applicants and King County.

31 B. The department shall implement the low-impact development and Built Green
32 demonstration projects in all or a portion of each of the following: the White Center
33 neighborhood of the ~~((Park Lake Homes HOPE VI))~~ Greenbridge Project as described in
34 Attachment A to ~~((this ~~o~~))~~ Ordinance 14662; the unincorporated Urban Area east of
35 Renton at approximately 148th Avenue Southeast and Southeast 128th Street as
36 described in Attachment B to ~~((this ~~o~~))~~ Ordinance 14662; and the Vashon Town as
37 described in Attachment C to ~~((this ~~o~~))~~ Ordinance 14662. If the geographic boundaries of
38 ~~((Park Lake Homes HOPE VI))~~ the Greenbridge Project are expanded, the provisions of
39 this ordinance may apply provided the criteria in subsection ~~((K))~~ L. of this section are
40 met.

41 C. A request by the applicant to modify or waive development standards for the
42 development proposals shall be evaluated by the department based on the criteria in
43 subsection ((K)) L of this section. A request shall first be either approved or denied
44 administratively and may be further reviewed as described in subsection ((G.3)) H.3 of
45 this section. Approval or denial of the proposed modification or waiver shall not be
46 construed as applying to any other development application either within the
47 demonstration project area or elsewhere in the county.

48 D. A modification or waiver approved by the department in accordance with the
49 low-impact development and Built Green demonstration projects shall be in addition to
50 those modifications or waivers that are currently allowed by K.C.C. Title 9 and this title.
51 The range of proposed modifications or waivers to development regulations that may be
52 considered pursuant to the low-impact development and Built Green demonstration
53 projects shall include only the following King County code regulations and related public
54 rules:

55 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water
56 Design Manual;

57 2. King County road standards: K.C.C. 14.42.010 and the county road
58 standards, 1993 update;

59 3. Density and dimensions: K.C.C. chapter 21A.12, if the base density is that of
60 the zone applied to the entire demonstration project and if the minimum density is not
61 less than the minimum residential density of the zone calculated for the portion of the site
62 to be used for residential purposes, in accordance with K.C.C. 21A.12.060. However, if a
63 demonstration project provides fifty-one percent or more of the housing to households

that, at the time of initial occupancy, have incomes of eighty percent or less of median income for King County as periodically published by the United States Department of Housing and Urban Development, or its successor agency, or if fifty-one percent or more of the rental housing is permanently priced to serve low-income senior citizens, then the director may approve;

a. less than the minimum density; and

b. for parcels within the area bounded by SW Roxbury Street, 12th Avenue SW, SW 102nd Street and 2nd Avenue SW that are developed in conjunction with the Greenbridge Project, greater than the maximum density, up to a maximum of R-48 (Residential forty-eight dwelling units per acre);

4. Design requirements: K.C.C. chapter 21A.14;

5. Landscaping and water use: K.C.C. chapter 21A.16;

6. Parking and circulation: K.C.C. chapter 21A.18;

7. Signs: K.C.C. chapter 21A.20; and

8. Environmentally sensitive areas: K.C.C. chapter 21A.24, if the modification results in a net improvement to the functions of the sensitive area.

E. A demonstration project authorized by this section and located in the R-12 through R-48 zones may contain residential and limited nonresidential uses subject to the following provisions:

1. The demonstration project may request a modification or waiver of any of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review process

86 described in subsection ((G)) H. of this section and the criteria described in subsection
87 ((K)) L. of this section.

88 2. The demonstration project may include single family detached residential
89 dwelling units as a permitted use, subject to the review process described in subsection
90 ((G)) H. of this section and the criteria described in subsection ((K)) L. of this section.

91 3. The demonstration project may include any nonresidential use allowed as a
92 permitted use in the NB zone, subject to any development conditions contained in K.C.C.
93 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, without
94 the need to request a modification or waiver as described in subsection ((G)) H. of this
95 section. The applicant may request a modification or waiver of the development
96 conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060,
97 21A.08.070, 21A.08.080, and 21A.08.100, subject to the criteria in subsection ((K)) L. of
98 this section. If a nonresidential use is permitted in the R-12 through R-48 zones, subject
99 to development conditions, and is permitted in the NB zone without development
100 conditions, the use shall be permitted in the demonstration project without development
101 conditions and without the need to request a modification or waiver.

102 4. If a nonresidential use is subject to a conditional use permit in the R-12
103 through R-48 zones and not subject to a conditional use permit in the NB zone, the use
104 shall be permitted in the demonstration project without requiring a conditional use
105 permit.

106 5. If a use is subject to a conditional use permit in both the R-12 through R-48
107 zones and the NB zone or only in the NB zone, the use may be permitted in the

demonstration project if the demonstration project applies for and obtains a conditional use permit and satisfies the conditional use permit criteria.

6. Uses authorized by this subsection shall be allowed only as part of a demonstration project under this section. All such uses shall be subject to the development standards in KCC 21A.12.030, except as may be modified or waived under subsection D. of this section and this subsection E.

F. A site in the NB and R-12 through R-48 zones located in a demonstration project authorized by this section may contain residential uses subject to the following:

1. The demonstration project may request a modification or waiver for the site of any of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review process described in subsection H. of this section and the criteria described in subsection M. of this section;

2. The site may include single family detached residential dwelling units as a permitted use, subject to the review process under subsection H. of this section and the criteria described in subsection M of this section;

3. The site may include any residential use allowed as a permitted use in the R-12 through R-48 zones, subject to any development conditions in K.C.C. 21A.08.030, without the need to request a modification or waiver under subsection H. of this section. The applicant may request a modification or waiver of the development conditions in K.C.C. 21A.08.030, subject to the criteria in subsection M. of this section. If a residential use is permitted, subject to development conditions, in the NB zone and is permitted

130 without conditions in the R-12 through R-48 zones, the use shall be permitted without
131 development conditions and without the need to request a modification or waiver;

132 4. If a residential use is a conditional use in the NB zone and is a permitted use
133 in the R-12 through R-48 zones, the use shall be permitted as a permitted use under the
134 conditions that apply in the R12 through R-48 zones;

135 5. If a use is subject to a conditional use permit in both the R-12 through R-48
136 zones and the NB zone or only in the R-12 through R-48 zones, the use shall be permitted
137 in the demonstration project if the demonstration project applies for and obtains a
138 conditional use permit and satisfies the conditional use permit criteria; and

139 6. Uses authorized by this subsection shall be allowed only as part of a
140 demonstration project under this section. All such uses shall be subject to the
141 development standards in K.C.C. 21A.12.040, except as may be modified or waived
142 under subsection D. of this section and this subsection F.

143 G. This subsection authorizes a residential basics program for townhouse and
144 apartment building types if such housing are located in a demonstration project located in
145 the R-12 through R-48 zones, even if not otherwise authorized by the department of
146 development and environmental services public rules chapter 16-04: residential basics
147 program.

148 ~~((G.))~~ H.1. Requests for a modification or waiver made in accordance with this
149 section may only be submitted in writing in relation to the following types of
150 applications:

- 151 a. a site development permit;
- 152 b. a binding site plan;

- c. a building permit;
- d. a short subdivision; ~~((F))~~
- e. a subdivision;
- f. a conditional use permit; or
- g. a clearing and grading permit.

2. Requests shall be submitted to the department in writing before or in conjunction with an application for one or more of the permits listed in this subsection ~~((G.1 of this section))~~, together with any supporting documentation. The supporting documentation must illustrate how the proposed modification meets the criteria of subsection ~~((K))~~ L. of this section.

3. Except for an applicant's request for a modification or waiver submitted in conjunction with an application for a subdivision, the notice of application, review and approval of a proposed modification or waiver shall be treated as a Type 2 land use decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver submitted in conjunction with an application for a subdivision shall be treated as a Type 3 land use decision in accordance with K.C.C. 20.20.020.

4. A preapplication meeting with the applicant and the department to determine the need for and the likely scope of a proposed modification or waiver is required before submittal of such a request. The department of natural resources and parks and the department of transportation shall be invited to participate in the preapplication meeting, if necessary.

174 5. If the applicant requests a modification or waiver of K.C.C. 9.04.050 or the
175 Surface Water Design Manual, the director shall consult with the department of natural
176 resources and parks before granting the modification or waiver.

177 6. If the applicant requests a variance from the county road standards, the
178 director shall refer the request to the county road engineer for decision under KCC
179 14.42.060, with the right to appeal within the department of transportation as provided in
180 K.C.C. 14.42.062. The purposes of this demonstration ordinance are intended as a factor
181 to be considered relative to the public interest requirement for road variances described in
182 K.C.C. 14.42.060.

183 7. Administrative appeals of modifications or waivers approved by the director
184 shall be combined with any appeal of the underlying permit decision, if the underlying
185 permit is subject to appeal.

186 ~~((H.))~~ I. The hearing examiner may consider an environmental impact statement
187 adequacy appeal in conjunction with a demonstration project plat appeal if the
188 environmental impact statement is prepared by a lead agency other than the department
189 and if its adequacy has not previously been adjudicated, even if not otherwise authorized
190 by K.C.C. 20.44.120.

191 ~~((I.))~~ J. An approved development proposal for any of the applications listed in
192 subsection ~~((G.1))~~ H.1. of this section, including site plan elements or conditions of
193 approval, may be amended or modified at the request of the applicant or the applicant's
194 successor in interest designated by the applicant in writing. The director may
195 administratively approve minor modifications to an approved development proposal.
196 Modifications that result in major changes as determined by the department or as defined

197 by the approval conditions, shall be treated as a new application for purposes of vesting
198 and shall be reviewed as applicable to the underlying application pursuant to K.C.C.
199 20.20.020. Any increase in the total number of dwelling units above the maximum
200 number set forth in the development proposal permit or approval shall be deemed a major
201 modification. The county, through the applicable development proposal permit or
202 approval conditions, may specify additional criteria for determining whether proposed
203 modifications are major or minor. The modifications allowed under this section
204 supercede other modification or revision provisions of K.C.C. Title 16, Title 19A and this
205 title.

206 ~~((J. For any))~~ K.1. The preliminary subdivision approval of a subdivision with
207 more than four hundred units that is ((also a)) part of a demonstration project under this
208 section((, the preliminary subdivision approval)) shall be effective for eighty-four
209 months, even if not otherwise authorized by K.C.C. 19A.12.020. The director may
210 administratively grant a one-time extension, extending the preliminary subdivision
211 approval an additional five years, only if the applicant has shown substantial progress
212 towards development of the demonstration project. Before granting the extension, the
213 director will assess the applicant's compliance with the demonstration project conditions
214 and may modify or impose new standards deemed necessary for the public health or
215 safety.

216 2. A code modification or waiver approved under this section is effective during
217 the validity of the underlying development permit or for forty-eight months, whichever is
218 longer.

219 ~~((K.1.))~~ L.1. To be eligible to ~~((utilize))~~ use the provisions of the demonstration
220 project, development proposals must be located within the boundaries of the ~~((Park Lake~~
221 ~~Homes HOPE VI))~~ Greenbridge Project as described in Attachment A to ~~((this~~
222 ~~o))~~Ordinance 14662, or as may be modified as described in subsection B₂ of this section;
223 in the area east of Renton at approximately 148th Avenue Southeast and Southeast 128th
224 Street as described in Attachment B to ~~((this o))~~Ordinance 14662; and in the Vashon
225 Town as described in Attachment C to ~~((this o))~~Ordinance 14662.

226 2. Proposals to modify or waive development regulations for a development
227 application must be consistent with general health, safety and public welfare standards,
228 and must not violate state or federal law.

229 3.a. Applications must demonstrate how the proposed project, when considered
230 as a whole with the proposed modifications or waivers to the code, will meet all of the
231 criteria listed in this subsection, as compared to development without the modification or
232 waiver, and achieves higher quality urban development; enhances infill, redevelopment
233 and greenfield development; optimizes site utilization; stimulates neighborhood
234 redevelopment; and enhances pedestrian experiences and sense of place and community.

235 b. Any individual request for a modification or waiver must meet two or more
236 of the following criteria ~~((1) through (4) as follows))~~:

- 237 (1) uses the natural site characteristics to protect the natural systems;
238 (2) addresses stormwater and drainage safety, function, appearance,
239 environmental protection and maintainability based upon sound engineering judgment;

(3) contributes to achievement of a two-star or a three-star rating for the project site under the Built Green "Green Communities" program recognized by the Master Builders Association of King and Snohomish ((€))counties; or

(4) where applicable, reduces housing costs for future project residents or tenants without decreasing environmental protection.

4. The criteria of this subsection ((K of this section)) supercede other variance, modification or waiver criteria and provisions of K.C.C. Title 9 and Title 21A.

((L.)) M.1. Regulatory modification and waiver applications, or both, authorized by this section shall be filed with the department by December 31, ((2006)) 2007, or by such a later date as may be specified in the conditions of any development approval for any type of modification or waiver for which the opportunity for future application is expressly granted in those conditions.

2. Modifications or waivers contained within an approved development proposal shall be valid as long as the underlying permit or development application approval is valid. A permit or approval that implements an approved code modification or waiver shall be considered under the zoning and other land use control ordinances in effect on the date the applicable complete code modification or waiver application is filed.

3. Modifications or waivers that are approved as separate applications must be incorporated into a valid permit or development application that must be filed by December 31, ((2006)) 2007.

4. The director may extend the date for filing the demonstration project permit and development applications for a maximum of twelve months.

263 5. The ability to establish the location and maximum size of uses that are not
264 otherwise permitted in the R-12 through R-48 zones as set forth in subsection E₂ of this
265 section expires December 31, ~~((2006))~~ 2007. The ability to establish the location and
266 maximum size of uses that are not otherwise permitted in the NB zone or the R-18 zone
267 as set forth in subsection F. of this section expires at the end of the effective period
268 established in subsection K. of this section.

269 6. Any deadline set forth in this subsection shall be adjusted to include the time
270 for appeal of all or any portion of the project approval.

271 ~~((M.1.))~~ N.1. By December 31, 2006, the director shall prepare and submit to the
272 council a report on the pilot programs that:

273 a. describes and evaluates the pertinent preliminary results from the
274 demonstration projects; and

275 b. recommends changes, based on the evaluation, which should be made to the
276 county processes and ordinances.

277 2. If only insufficient or inconclusive data are available when this report is due,
278 the director shall provide an interim status report and indicate the date a subsequent

Ordinance

279 report or reports will be transmitted to fully evaluate outcomes of the demonstration
280 projects.
281

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, ____.

Ron Sims, County Executive

Attachments None